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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1613 OF 2007
IN
WRIT PETITION NO. 7479 OF 2006

The President,
Shri Mangaldas Krida Va Shikshan
Prasarak Mandal, Solapur and
Shri Mangaldas Mukbadhir Apang
(Asthivyanga) Marathi Niwasi Shala
Hatturenagar, Solapur. ... Applicant

V/s

1. Shri Ratilal Manik Dongare & anr. ... Respondents

Mr. V.V.Purwant for the applicant.

Mr. D.W.Bhosale for the Respondent No.1.

CORAM: SMT. NISHITA MHATRE, J.

DATED: 14TH SEPT., 2007.

P.C.:

1. This civil application has been filed for restoration of the writ petition. The writ petition was dismissed on 2.2.2007 since the advocate for the petitioner was not present. While dismissing the petition, the learned Judge has recorded that, on several dates the petitioner’s advocate and counsel were absent and, therefore, the petition was dismissed. In the civil application, it has been pleaded that the

applicant should not be penalized for the fault of his advocate since his advocate had inadvertently missed the matter.

2. For the reasons stated in the civil application, it is allowed on payment of Rs.1000/- as costs to be paid to the Maharashtra State Legal Services Authority as condition precedent.

3. Civil application disposed of.

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